

SUPREME COURT OF THE STATE OF DELAWARE

Fuller v. Smith

No. 488, 2025 (Del. Apr. 13, 2026) · No. No. 488, 2025 · Decided April 13, 2026

SUMMARY

The Delaware Supreme Court dismissed Dana Fuller's appeal for failure to pay the filing fee, file an in forma pauperis application, respond to a show-cause notice, or provide an updated address. The dismissal was entered as unopposed under Delaware Supreme Court Rules 3(b) and 29(b).

CASE DETAILS

COURT	Supreme Court of the State of Delaware
JURISDICTION	Supreme Court of the State of Delaware
DECIDED	April 13, 2026
DOCKET	No. 488, 2025
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal dismissed by order after the appellant failed to pay the Supreme Court filing fee, seek in forma pauperis status, respond to a notice to show cause, or provide an updated address.
PRECEDENTIAL VALUE	published
PARTIES	Dana Fuller v. Mason Smith

TOPICS

- appellate procedure
- family law procedure
- civil procedure

PRACTICE AREAS

- appellate procedure
- family law

QUESTIONS PRESENTED

1. Whether the appeal should be dismissed when the appellant failed to pay the filing fee, seek in forma pauperis status, respond to a notice to show cause, or provide an updated address.

HOLDINGS

1. An appeal may be dismissed when the appellant fails to pay the Supreme Court filing fee, file a motion to proceed in forma pauperis, respond to a notice to show cause, or otherwise cure the identified

deficiencies.

KEY QUOTATIONS

“Fuller having failed to respond to the notice to show cause, to pay the filing fee or file a motion to proceed in forma pauperis, or to provide an updated address to the Court, dismissal of this action is deemed to be unopposed.” (2)

“NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rules 3(b) and 29(b), that the appeal is DISMISSED.” (2)

FACTUAL BACKGROUND

The appellant did not pay the Supreme Court filing fee or file a motion and affidavit to proceed in forma pauperis. She also failed to respond to the Court's notice to show cause and did not provide an updated address after certified-mail delivery was unsuccessful.

PROCEDURAL HISTORY

Dana Fuller filed an appeal on December 2, 2025, from proceedings in the Delaware Family Court. Supreme Court staff repeatedly directed Fuller to pay the filing fee or file a motion and affidavit to proceed in forma pauperis. After Fuller failed to respond to a notice to show cause or otherwise cure the deficiencies, the Delaware Supreme Court dismissed the appeal as unopposed.

DISPOSITION

dismissed

OPINION

Fuller, Dana v. Mason Smith

PER CURIAM.

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DANA FULLER,¹ §

§ Respondent Below, § No. 488, 2025 Appellant, § § Court Below: Family Court v. § of the State of Delaware § MASON SMITH, § File No. CS17-01741 § Petition Nos. 25-15141 and Petitioner Below, § 25-21691 Appellee. § Submitted: March 17, 2026 Decided: April 13, 2026

ORDER

The appellant, Dana Fuller, filed this appeal on December 2, 2025. Court staff sent several letters directing Fuller to pay the Supreme Court filing fee or to file a motion and affidavit to proceed in forma pauperis. Fuller did not do so. On February 17, 2025, the Chief Deputy Clerk issued a notice, sent by certified mail, directing Fuller to show cause why the appeal should not be dismissed because she has not paid the Supreme Court filing fee or filed a motion to proceed in forma pauperis. After the postal service unsuccessfully attempted delivery of the certified mail, the

Chief Deputy Clerk reissued the notice by first-class mail on March 6, 2026. Fuller having failed to respond to the notice to show cause, to pay the filing fee or file a 1 The Court previously assigned pseudonyms to the parties under Supreme Court Rule 7(d). motion to proceed in forma pauperis, or to provide an updated address to the Court, dismissal of this action is deemed to be unopposed. NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rules 3(b) and 29(b), that the appeal is DISMISSED. BY THE COURT: /s/ Collins J. Seitz, Jr. Chief Justice 2